

1884-016 Chancery Causes: William Gillenwaters + wife vs. Thomas Eads to
Lee Co.

Parrott, Noe, Eads, Ball, Ely

1 Plat

CA-Estate Dispute
T-Property

-Deed

To the Honorable John A. Kelly Judge of
the Circuit Court of Lee County

Your Complainants, Wm Gillenwaters
and Mary Gillenwaters his wife humbly
complaining sheweth unto your Honor,
that your female Complainant is the
daughter of the late Charles W. Roe, now
deceased; that she first intermarried
with one Walker Parratt, who is now also
deceased; that her said father in his life-
time, and in the lifetime of her former hus-
band, undertook to and did advance
several of his children in life among
whom your female Complainant was one
Accordingly on the 15th day of August 1861
her said father, made & executed a deed
to your female Complainant, for a certain
tract or parcel of land situated in Lee County
Virginia & properly described by a copy of
a deed form filed herewith as part two of
marked "A" - Your Complainants state that
while the said Charles Roe in fact was en-
deavoring to convey said lands to your female
Complainant, the deed was written to the
said "Walker Parratt and Mary Parratt his wife"
thus conveying said lands jointly to the said
Walker Parratt and your female Complainant
This deed was acknowledged and delivered to

said Walker Parrott, who was charged with the duty of having the same recorded; He took said deed, and erased or blotted out every trace of your female Complainant's name whenever it occurred, in the deed and certificate of acknowledgement, thus making it read to him ~~the~~ said Walker Parrott alone, and in that form had the same recorded. as fully appears by the copy heretofore referred to. Of this fact your female Complainant remained in utter ignorance until her subsequent marriage with the male Complainant; all the time since living upon or having full possession and control of said lands & premises - and was only made cognizant of ^{the} actual language of the said deed by the following circumstances. The said Walker, left at the time of his death, three children his heirs at law, the children also of your female plff, viz: Charles Wood Parrott, Walker Parrott, and Newton Parrott; the said Walker ~~Charles~~ still being an infant under 21 years of age - When Newton the elder of the three began to approach manhood, instigated by the advice of some one, he began to lay claim in fee to the land, and soon sold his interest to one Thomas Eads, and the other two have now sold theirs also. but whether

or not they have all conveyed is not known to your complainant, Newton & Charles Ford have and have no further interest herein but, Walker being an infant - could not legally convey and still as your complainant, are advised have an interest. When these claims were set up your exatix was surprised to learn the Condition of said deed.

Your complainant, alleges that Walker Parrott changed & altered said deed, that the same as written & acknowledged was a joint deed to your female complainant and the said Walker Parrott, that Thomas Eads had full knowledge of that fact when he purchased from the said heirs; and that said alteration was made to defraud & cheat your female complainant out of her half of said lands. Your complainant are advised that your female complainant is entitled to one half in fee of said tract or parcel of lands, and to dower in the other half; But if mistaken in this that she is in any event entitled to dower in the whole tract which has never been assigned to her.

The object of this bill therefore is to have the said deed purporting to be executed to Walker Parrott set aside held for naught and counted void, and that the deed as

made executed and acknowledged by C. H.
Stoe to "Walker Parrott & Mary his wife"
Your female Complainant, be set up and es-
tablished as due to said lands that one
half thereof be assigned and set apart for
Your female Complainant in fee, and that
clover be assigned her in the other half: But
if anyway mistaken in this that clover
be assigned her in such of said lands
as she is entitled to, and such decrees & orders
entered as equity demands.

The prayer of Your Complainant therefore
is that Thomas Eads and Walker Parrott be
made parties defendants to this bill and
answer its allegations on oath, as fully
and particularly as if put by way of
and that a guardian ad litem be appointed for the Walker Parrott's if any
special interrogatories: And for all other further
and general relief, May supra issue &c.

A. L. Pindemore P. q.

A. L. P.

William Gillenwater wife

vs ³/₈ Bill Chy.

Thomas Eads et al

Exhibit Filed A

1881. Dec. Rules Bill Filed

" Jan. Spc. not Executed

alids awarded

1882. Jan. Rules, Spc. Executed on

Defts & J. D. Kille

" Feb. V. A. Conf. & set for
hearing by Plffs.

1882 Mr. continued

" Aug. continued

1882 Nov. continued

1883. Mr. Dec. & cont'd

" Aug. " "

(July 6-93)

Relief to Jan 1 1884 \$8.34

by A. L. fee to Hyatt 5.00

Add for clk 3.34

\$ 3.70

Witnesses 3.34

Comur 5.00

J. P. .95-

Atty 15.00

Geo. L. 5.00

Comurs in Jan. 5.00

\$50.32

31.89

\$18.43

To the Honorable John McKelley Judge
of the Circuit Court of Lee County Va

The separate answer of Thomas Edgels
to a bill filed against him and another in
This Honorable Court by William Gillman
and Mary his wife.

This respondent saving the benefit of
all exceptions objections and imperfections
in or to the Complainants bill, for answer
thereto, or to so much thereof as he is advised
it is material or necessary for him to answer
Answering sayo. That he supposes it to be true
that the said female Plaintiff is the daughter
of the late Charles W. Noe, he likewise supposes
that it is true that she first intermarried with
the said Walter Parrott, It is also true that the
said Parrott is dead. As to advancements
made by the said Charles W. Noe in his lifetime
to his children your respondent knows
nothing he might have done so or he might
not, but if he did, the party or parties claim-
ing an interest therein, or to be benefited
thereby can he supposes prove the facts, Re-
spondent therefore requires strict proof by
the Plaintiffs of this allegation of their bill
And as to whether the said Charles W. Noe ever
advanced the female defendant, is matter
of which this respondent has no knowledge
whatsoever, It is a matter with which respondent

deed had no interest, But he denies that the tract of land sold and conveyed by Charles W. Stoe to Walker Parrott in his lifetime was an advancement to his then wife the said Mary, or if it was so this respondent has not now, and never had any knowledge of it.

On the 12th day of August 1861. the said Charles W. Stoe by his deed made on that day sold and conveyed a tract of land situated in this Lee County to the said Walker Parrott as appears by said deed now of record in the Clerk's Office of the County Court of Lee County, Virginia a copy of which is filed by the Plaintiffs with this bill marked (A) to which copy reference is here made, as part of this answer. As to what the said Charles W. Stoe intended or endeavored to do by that deed respondent does not know, has no means of knowing further than he can learn from the face of the deed itself, as it appears on the record. It is very plain and explicit, easily understood and not difficult of construction being, as it is, an absolute conveyance in fee simple to Walker Parrott & his heirs. And respondent denies that said deed was ever intended as anything else than what it purports to be, he denies that said deed was ever written in any other form

than that in which it now appears, he further denies that said Walker Parrott ever altered changed or obliterated said deed or any part thereof in any way, or by any means he further denies that said Walker Parrott ever erased the name of the said Female Plaintiff either from said deed or from the certificates or certificate of acknowledgment made thereon by the justices before whom said deed was acknowledged he denies that said female plaintiff has now or ever had a joint interest in said land, or any other interest save and except such as the law vests her with as the wife or widow of the said Walker Parrott, that of dower only, Respondent admits that said Walker Parrott left three children his sons and heirs to whom said lands descended, He further admits that he has purchased the interest of the said Newton Parrott and he the said Newton has conveyed his interest in said land to respondent, he has also purchased the interest of the said Charles Wood Parrott and took his title bond for a conveyance, and that he has contracted with the said Walker the infant for his interest which contract is not to be consummated until the said Walker attains his majority, of course

the said Walker still has an interest as it re-
mains for him to either confirm or disaffirm
said contract when he attains his majority.
Respondent positively denies any knowledge
at the time of his purchase from the said
Newton & Charles and each of them, of any
~~interest~~ interest ~~in the land~~ ~~owned~~
by the said female plaintiff in said land
save and except her right of dower.

Respondent has fully paid the said Newton
for his share in said land which payment
was made more than 2 years ago and
he had paid the said Charles all but
\$60. long before the institution of this suit.
Respondent further alleges that both the
Plaintiffs had knowledge before the sale
to him that the two boys were trying to sell
their interest in said land, and if either
of them ever objected to it or in any way
tried to prevent it respondent never
heard of it. in fact respondent has been
informed and he believes and here asserts
that the Male Plaintiff himself tried to buy
said share from both the said Newton
and the said Charles. However this may
be respondent charges them with notice
that he was going to purchase, that he
had purchased and he positively denies

1
That said plaintiffs or either of them ever
in anyway objected to his paying for said
land or warned him not to pay for it
although they were living in 4 or 5 miles
of respondent at the time of the said
transactions. Respondent is advised
that if the plaintiffs had claim to said
land or an interest in it that it was their
duty knowing he had purchased to warn
him of this claim and not stand by &
see an innocent purchaser, for a valuable
consideration part with his money for
something which they claimed and then
afterwards come into a court of equity to
take from ^{him} the subject which they stood by
and saw him pay for, without warning.

Respondent denies that said female Plaintiff
is entitled to one half of said land in fee.
Her right of dower in said land has never
been denied, in fact she lived on occupied
and enjoyed said land, the whole of it, for a
number of years after the death of her hus-
band, who was killed during the war, and
from that time up to some 8 or 10 years ago she
as above stated lived on said land enjoying
the whole of it, and when she left it she did
so voluntarily, and then after her marriage
with her present husband she again moved
on to said land and remained there on

years when she quit her husband again voluntarily abandoned and moved away from said land, That she does not now enjoy by actual occupancy her dower interest in said land is her own fault, first so before stated dower has never been denied her, and in fact respondent understands and here asserts that she has been all the while getting the rents and profits of said land, and dower never having been denied, it being her fault, caused by her moving into the state of Tennessee That it has not been assigned her, Respondent Thinks That it will be wrong in the assignment of dower to make him in any costs ~~in the assignment of dower~~ which she asks in this bill, it being very evident That the claim of dower set up in the bill is only used as a cover for the other and greater claim, in other words she asserts an unjust claim in which she feels confident she will be defeated and joins with it one never denied her to save costs.

Your Respondent here states That That the said Walker Porroth died sometime before the year 1865. That said deed was on record in the Clerk's office

of Lu County at the time of his death
That her right to bring an action
to set aside said deed, if she has now
or ever had such right, ^{accrued} at the time of
his death, as as soon thereafter as the
Courts were organized after the war, and
Respondent avers that said Courts were organ-
ized on or by the 1st day of January 1869,
at which time or anytime thereafter ~~during~~
ten years she might have brought said
suit but that not having brought ^{suit} within
said 10 years, she cannot now bring it
in other words her right to set aside
avoid or annul said deed is now barred
by the statute of limitation, which said
Statute respondent here claims the benefit
Respondent is willing that doer
be assigned the said of said Plaintiff
but as before stated he thinks it should be
at her costs at least so far as he is concerned
and he will here state that said Tract of
land adjoins other lands owned by him
he asks that his share in said land shall
be laid off adjoining said lands which
can be done without injury to the
rights of any other person and now
having answered he prays to be hence
dismissed with his costs.

Done and for Defendant,

Virginia Lee County to wit:—

This day Thomas Eads personally appeared before me the undersigned and made oath in due form that the facts stated in the foregoing answer, from his own knowledge are true, and as stated upon the information derived from others he believes them to be true,

Given under my hand this March 11th 1882

J. A. S. Hyatt Clerk

Thomas Eads

ans by answer.

Wm. Gibson witness

Filed March 21st 1882

1882, March 27th Filed

J. A. S. Hyatt clerk.

To the Hon. John A. Kelly, Judge
of the Circuit Court of Lee County,

This answer of Walker Parrott
an infant, by J. A. Hyatt his
Guardian ad litem, to a Bill in
Chancery, filed in your Honor's
Court, by William Gillemwaters & wife
against this ward & others, For answer
your respondent says, that he
knows nothing of the truth or
falsity of the allegations in the Piffs
Bill, and is advised of no defense
proper or necessary for him to make
as his Guar. in the said suit, but
this Court is a Court of Equity, and
such Courts being the peculiar Guard-
ian of the rights and interests of infants,
Your Respondent begs leave to place
the rights and interests of his ward
into the hands of your Honor.

Knowing that they will be there
protected:

J. A. Hyatt

Sworn to before me
March 6/1882.

Guar. ad litem

John R. Gibson clerk
of Lee County Court,

228-
225-
450

Wm Gillemwater wife

vs ³/₃ Ans of G.A.L.

Thos. Eads et al

Filed Febry Rules 1882

J. A. Hyatt clk

G.A.L. fees for to
J. A. Hyatt,

William Gillinwater, wq

23 Decree Final

Thomas Each et al
March 7. 1884

Entered page 376,
J. C. Hyatt
cek

Enter this
March 7 1884
J. A. K.

Wm Gellinwaters and wife *Plffs*

Against

Thomas Dads et-als

seft,

Juchy

This cause came on again this day
to be heard upon the papers formerly
read and the report of ~~H. J.~~
~~Morgan~~, J. W. On Commissioner filed
August 16th 1883, and exceptions ~~deets~~
and depositions of witnesses - and
was argued by Counsel - On consider-
ation whereof and for reasons ap-
pearing to the Court, said exceptions are
over ruled and the report confirmed and
made final - and the Court being of
opinion that evidence is not suffi-
cient to sustain the allegations of the
plffs bill as to the alterations of
the deed of C. W. Stoe or wife to the
female plaintiff, orders and de-
crees that the *plff* be barred of
any relief upon that branch of her
case but being of opinion that she
is entitled to dower, in the lands in
the bill mentioned it is adjudged
orders and decreed that that Eli
Davis, Peter P. Lugate, and Com^{rs} H. Speak.
he and the same are hereby appointed
Commissioners whose duty it shall

Um Gellnerwaterwege

Dr J. B. Decree

Thomas Eady Oct 18

Aug 7. / 88 B

Entered page 336

Adapted

Enter this

Sept. 4 1883

2A11

Dec 19

be to go upon the land in the bill mentioned, formerly belonging to Walter Parat and lay off and assign to the female plaintiff one third in rental value of said land, and make a plat & report of the same showing the same fully by metes and bounds to this Court - at some future term and the cause is continued.

36
36
15-
5.00
1.50
1.18
1.40
1.28
66
5.00
15.00
91.89

William Gillinwaters & wife Plff.
against
Thomas Eads et al. Defs. } In chq.

This cause came on again, this day to be heard, upon the bill of the plff. and exhibits filed, the answer of Thomas Eads and replication thereto; and the answer of Walker Parratt, an infant by J. A. G. Hyatt his guardian ad litem and replication thereto. And was argued by counsel, on consideration whereof and for reasons appearing to the court, ~~John A. G. Hyatt~~ James W. Orr one of the Commissioners of this Court will ascertain and report—

1st Whether or not the deed ^{purporting to be} made by Charles W. Doe and wife, to Walker L. Parratt bearing date 15th day of Aug. 1861, originally contained the name of the female plff as a joint grantee in said deed, or whether or not the word wife was used after the name of said Walker L. Parratt in said deed—

2nd Whether the deed ~~said~~ above stated was & is a true copy of the deed, as made and acknowledged by said C. W. Doe & wife to Walker L. Parratt or Walker L. Parratt & wife.

3rd ~~Said Commissioner, will ascertain and~~

3rd Whether or not said deed or any other was made by said Joe to said Parrott or wife for any other consideration than that of advancing them in life as his children & heirs at law.

4 Whether or not Walker L. Parrott in his lifetime or any other person ever erased the name of the female plff or the word wife or any other words from said deed before its recordation and after its acknowledgement.

5th He will ascertain and report at what time the female plaintiff first became advised as to the contents of said deed as shown by exhibit "A." and who has possession thereof since the death of Walker L. Parrott.

6th Whether the defendant at the time of his purchase had any knowledge or not of the claims asserted by the female plff: and if so what it was.

He will reduce their testimony of witnesses to writing, and file the same, with his report and report all facts deemed material by him or required by either party to the next term of this court and the cause is continued.

William Gillinwater

3
m

Dece
For account

Thomas Eads et al
Aug. T. 1882

Entered Page 279.

J. A. Hyatt
Clerk

Enter this:

Sept-7 1882
J. A. K.

chd 19

Virginia

At a Circuit Court Continued and
held for Lee County at the Court House Sept 4/1883.
Wm. Gillemwaters & wife Defts }
vs } In Chancery
Thomas Edds et al Defts }

It is adjudged ordered and
decreed that Eli Davis, P. P. Fugate and
Wm. D. Speak, be and the same are hereby
appointed Commissioners, whose duty it
shall be to go upon the land in the bill
mentioned formerly belonging to Walker
Parrott and lay off and assign to the
Female Plaintiff one third in rental
value of said land and make a plat and
report of the same, showing the same
fully by metes and bounds to this
Court at some future term and
the Cause is Continued.

A Copy Test:—

J. A. Hyatt clerk

Wm. Gillenwaters & wife
vs 3 Copy of Decree
3 for Commissioners
Thomas Eddes et al

Executed
S. H. Ewing
L. E.

8 150
1 20
1 00

4 copies chd 19

Wm Gillenwaters & wife Plffs
against } In Chancery.

Thomas Eddle et al Dftrs
The deposition of ^{P. M. Ball} ~~Joseph Eddy~~ taken before the undersigned Commissioner in Chancery in ^{making an enquiry} ~~before an enquiry~~ in said cause on this the 6th day of July 1883. the said ^{P. M. Ball} ~~Joseph Eddy~~ a witness of lawful age, and being first duly sworn, deposes and says, -

I saw a deed that was said to be a deed Charles W. Lee made to Walker Parrott, I read the deed then in possession of Wyram Eddles, and it was made to Walker C Parrott & Mary Parrott and heirs, is my recollection about the deed. This was I think in the early part of 1861. I don't remember whether or not it was signed by Charles W. Lee, but it purported to be a deed from him. I have just heard a part of exhibit "A" with the bill, read, and it reads pretty much like the deed above referred to, except the name of Mary Parrott is not in said exhibit "A".

X Examined.

Question by Defendants Counsel. Do you recollect whether or not said deed was properly acknowledged and before whom if so please state.

Answer I do not recollect, but don't think it was.

Question by Defts Counsel. Please state the date of Walker & Paratts death if you recollect it.

Answer. It was on the 8th day of June, either in 1863 or 1864, I do not remember which year.

~~And further this deponent saith not.~~
Did you ever hear Charles W. Noe in his lifetime make any statement about the 112 acres of land - If so state what he said.
~~There is no question is objected to by the~~
defendant as any statement made by Charles W. Noe is inadmissible.

Duncan for Deft

Answer. I heard Charles W. Noe say that he had given Walker & Paratt & wife a good home, and that he intended to give to all his children a home, that he had 100 acres of land for each of them, I am myself a son-in-law of said Charles W. Noe.

And further this deponent saith not.

P. M. Ball

The said Joseph Ely a witness of lawful age and being first duly sworn deposes and says. I have heard exhibit A read down to where the description of the land &c commences, and

I remember that on one occasion about the date called for in said Exhibit "A". I was passing Charles W. Kees and Mr. Roe called to me and told me he wanted me to go to Mr. Bales' & take the acknowledgment of a deed, and drew the deed from his pocket. I took the deed and read the first part of it, and asked Mr. Roe if that was a deed of gift, and he replied that made no difference. I then informed him that was a deed of bargain and sale, ^{to Walker C. Parrell.} in consideration of One thousand dollars, he replied, that made no difference that he would never pay ^{for} it no how. I did go to Mr. Bales' and took the acknowledgments to the deed.

X Examined by Defts Counsel.

Questioner by Deft. Did the name of Mary Parrell appear in the deed shown you by C. W. Kees, and was the deed shown you by said Mr. Roe the same deed which was acknowledged before you as above stated.

Answer I do not remember seeing her name in the deed, and the deed shown to me by Mr. Roe was the same deed acknowledged before me and Mr. Bales. I discovered that there was an error in the date of the deed, but did not think that would effect it.

And further this deponent saith nat.

Joseph Ealy.

The said Randolph Nae a witness of lawful age and being first duly sworn, deposes & says. I am a son of Charles W. Nae, I am acquainted with the land in controversy which the ~~land~~ ^{Deed} shows to Walker B. Parrott, and said ~~land~~ ^{land}, as I understood it, was intended as an advancement to Mary Parrott, I was one of the chain carriers when the land was run off, and have heard my father say different times that he intended the land for Mary Parrott wife of Walker B. Parrott, as he intended 100 acres for each of his children, but I never saw the deed for said land.

The said Walker B. Parrott & wife claimed said land while he lived, and she has claimed it since his death until the claims and conveyances set up by her sons

X Examined

Question by Defendants Counsel.

About what time was said land run off or surveyed?

Ans. About Feb. 1859.

Question by same. Do you know to whom your father conveyed said land?

Ans. I do not.

Question by same. Is it not a fact that Mary Parrott now Mary Gillenwaters, at one or more times since the death of her former

husband Walker C Parrott has spoken of
having down assigned to her out of said land
claiming that she was entitled to dower in the
whole of said Tract?

Answer I do not remember to have heard her say anything
about it, but I understood Gillenwaters was
so claiming.

Question by same. When did you first hear
your sister Mrs. Parrott ~~now~~ Mrs. Gillenwater
speak of the fact that said Tract of land was
deeded to Walker C Parrott.

Answer I do not remember certainly, but think it was some
time after the war.

Question by same. Who lived on said ^{land} at the
time of Walker Parrott's death.

Answer. A Mr. Gavin, a tenant of Walker C Parrott.

And further this deponent saith not.

Randolph L. See

Joseph Ely.

\$1.46

Rand See

.90

P. M. Ball,

.98

\$3.34

The foregoing depositions of P. M. Ball, Joseph
Ely & Randolph See were taken subscribed
and sworn to before me at the time & place
and for the purposes in the caption mentioned
Givens under my hand, July 6th 1883.

James W Orr, Comr.
in Chancery,

William Gilman & wife

vs { Depositions.

Thos Edds et al.

D.

Witnesses \$3.34

The Deposition of E. A. Roe a witness of
the ^{age of} 68 years taken in a case in which
Mrs. J. Gillenwaters and H. J. H. H. C. Gillen
waters are plaintiffs and Thomas C. C. C.
defendants the said case is now pending
in the Chancery Court of Lee County Va.

The witness E. A. Roe after being duly sworn
deposes and says

I signed only ^{one} deed; and that
deed was read to me as being made to Mary Gillen
waters, that deed was read to me by R. M. Bales,
I cannot read myself,

Elizabeth, ^{her} A. X. Roe
mark

Virginia Lee County to wit:
I Lee S. Hukerson a Justice of the
peace in and for Lee County do
Certify that the foregoing deposition of
Elizabeth Roe, was taken before me
at the time & place mentioned in the
Caption, reduced to writing and subscribed
before me. Given under my hand
this 14th day of July 1883.

Lee S. Hukerson, J. P.

Wm Gillenwater & wife

vs E. Depo

Thos. Eddels & als.

Recd from J. P.

July 17th 1883.

Jas W Orr, Comr.

E

Justices fee .95-cts.

Virginia, Lee County Circuit Court.

^{Jm} Gillenwaters & wife Pliffs

against

Thomas Edds et al Defendant

In Chy.

The undersigned who was appointed a Commissioner in this cause, on the day of September 1882, and directed to enquire and report, First. - Whether or not the deed purporting to be made by Charles W. Nae & wife to Walker C Parrott, bearing date Aug 15th 1861, originally contained the name of the female plaintiff as a joint grantee in said deed, or whether or not the word wife was used after the name of said Walker C Parrott in said deed.

Second. - Whether the deed above stated, ^(Exhibit A) was, and is, a true copy of the deed as made and acknowledged by said C. W. Nae & wife to Walker C Parrott, or Walker C Parrott & wife?

Third. - Whether or not said deed, or any other, was made by said Nae to said Parrott & wife for any other consideration than that of advancing them in life as his children & heirs at law.

Fourth. - Whether or not Walker C Parrott is his life time, or any other person, ever erased the name of the female plaintiff, or the word wife, or any other words, from said deed before its recordation and after its acknowledgment?

Fifth. - He will ascertain, and report, at what time the female plaintiff first became advised as to the contents of said deed, as shown by exhibit "A", and who has had possession thereof since the death of Walker C Parrott.

Sixth. - Whether the defendant at the time of his purchase had any knowledge, or not, of the claim asserted by the female plaintiff, and if so what it was. - Respectfully reports.

That after giving notice to the parties, he proceeded on the 6th day of July 1883, at the law office of Richmond Duncan & Orr, & to day, to discharge the duties and make the enquiries directed by said decree. - Your commissioner took the depositions of P. M. Ball, Joseph Ely & Randolph Mc witnesses introduced by plaintiffs, and whose

depositions are herewith filed marked "D", and the plaintiffs also took the deposition of Elizabeth A. Nae, before a Justice of the Peace, which is also filed herewith marked "E", and from the evidence and pleadings in the cause, your Commissioner is of opinion, and so reports,

Pt. - That the deed purporting to be made by Charles W. Nae & wife to Walker C. Parrott bearing date Aug. 15th 1861, did not originally contain the name of the female plaintiff as a joint grantee in said deed, and that the word wife was not used after the name Walker C. Parrott in said deed.

The deposition of Joseph Ely, one of the Justices before whom the deed was acknowledged, shows that his recollection is very clear & distinct as to what occurred between him & Mr. Nae at the time Mr. Charles W. Nae presented the deed to him and told him he wanted him to assist in taking the acknowledgment of the deed &c, and he states that the deed shown him by Mr. Nae was the same deed acknowledged before him & Mr. Bales, & that he then & there informed Mr. Nae that that deed was a deed to Walker C. Parrott &c, And I suppose

the presumption against the wrongful act, of any person, by which the deed was in any manner altered or changed after its execution. Coupled with Mr Ely's deposition, could not be over turned by the other evidence in the cause (which does not seem to be so clear and positive as Mr Ely's) tending to prove that the female plaintiff was a joint grantee in said deed.

2nd. - Your Commissioner is of opinion that Exhibit "A" is a true copy of the deed as made and acknowledged by Charles W. Roe & wife to Walker & Parrott, and of the deed exhibited by said Roe to said Ely. Mr Ely's recollection seems to be clear & he states positively that the deed shown to him by Mr Roe was the one acknowledged before him & Mr Bales, and as before stated, he recognized it when presented to him, by Mr Roe, as being a deed to Walker & Parrott, & so informed Mr Roe.

3rd. - Your Commissioner is of opinion from the statements made by the grantor, Charles W. Roe, to Mr. Ely & from other evidence in the cause, that the

deed to Walker & Parrott was intended as an advancement to said Parrott, or to said Parrott & wife.

4th. - I do not think, the proof in the cause sustains the charge made by the plaintiffs in their bill, that Walker & Parrott, in his lifetime, erased the name of the female plaintiff, or the word wife, or any other words from said deed, nor that the said proof shows sufficiently, that any erasures were made in said deed, by any one, after its acknowledgment and before it was recorded.

5th. - It appears that the female plaintiff became first advised as to the contents of said deed, as shown by exhibit "A" sometime after the war, exact time not fixed. - See Randolph Lee's depositions.

6th. - Defendant Eddis denies, in his answer, having any knowledge whatever of the female plaintiff's claim to said land, at the time of his purchases, except as donee, and the plaintiffs have failed to show that he had such knowledge. The conclusions to which I have arrived may be erroneous, I may not have properly weighed

and applied the evidence, but the foregoing is
my conclusions and report upon the enquiries to
me directed. It may be that Mr & wife intended
the land as an advancement to their daughter,
or they may have intended it as an advance-
ment to Parrott & wife, but be this as it may,
I am of opinion the deed was made as shown
by exhibit "A", and that Mr Nae intended to
make it an advancement, by not collecting
the purchase money mentioned therein.

Respectfully submitted,

To Hon Jas A Kelly, Judge re,

James W Orr, Comr.
August, 8th 1883.

Sept 3rd / 83

This report is excepted to because
the testimony sustaining the bill as
to payment of the deed of C. W.
to W. W. C. Darnall & wife

A. L. Provencher

McGillennuaters & wife
vs Cour's Report
Thomas Edds et als

Filed August 16th 1883,
J. A. Hyatt
Clerk

Witnesses \$ 3.34
Sheriff Ely 1.20
Cour. 5.00
J. P. (Lulker) 9.54
10.49
Ad 14

Pursuant to an Order of the Hon. Circuit Court of
Lee County dated Sept. the 4th 1883, in the case
of William Gillainwaters & wife Plaintiffs
vs. Thomas Eads et als Defts. } In
Chancery.

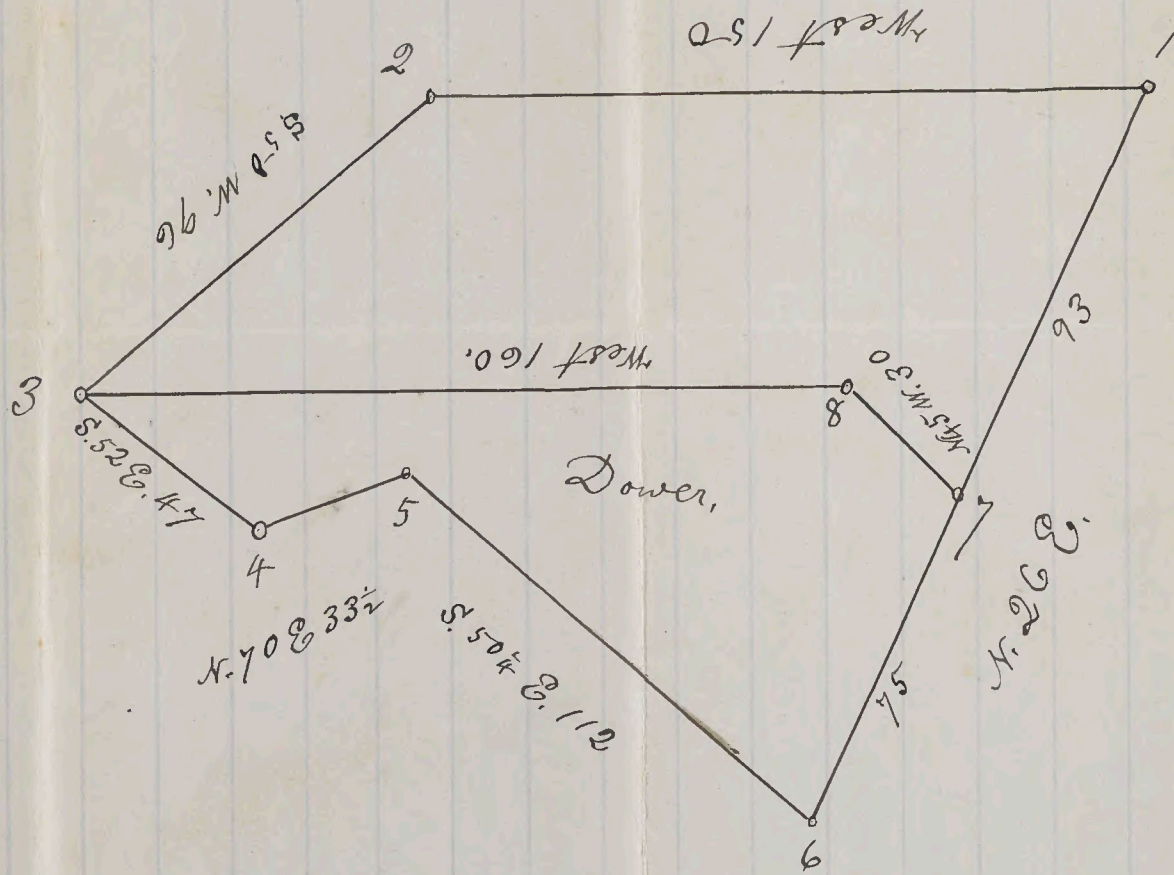
We Eli Davis, T. T. Fugate, and William H. Speak
who were appointed Commissioners proceede on the 11th
day of Feb. 1884, to survey and examine the lands in
the Bill mentioned formerly owned by Walker Parrott
and lay off and assign to the female plaintiff
one third in rental value as her dower. Her said
Dower as we have assigned it is estimated to contain
45 acres, and is marked Dower, on the plat which
we have filed with this report. It commences at
Fig. 3, where a hickory once stood and runs thence
with the outside boundary S. 52° E. 47 poles to a double
poplar; thence N. 70° E. 33½ poles to a stake; thence
S. 50½° E. 112 poles passing through the middle
of a spring to a stake; thence N. 26° E. 75 poles
to a stake; thence leaving the outside boundary
N. 45° W. 30 poles to a stake; thence west 160
poles to the beginning. A plat both of the dower
and the other two thirds of the land is hereunto
annexed.

Respectfully Submitted,

{ Eli Davis
Peter T. Fugate
William H. Speak.
Commissioners.

Ym Gillemwater's wife
vs ³/₄ Cour. Report
Shos Edds et al

Recd by Mail & filed
March 14th 1884.
J. A. Hyatt
ck



W.

N.

S.

60

M. Gillenwaters wife

20 3/4 Plat

Thos. Eddsetal

Filed March 14/1884

J. A. Hyatt
clerk

Commissioners' charges.

\$3.00

1.00

1.00

5.00

Total, \$

E. Davis

J. P. Fugate

W. H. Speake

This Indenture made this 15th day of August, in the year one thousand eight hundred and sixty one, between Charles W. Nae and Amanda his wife of the county of Lee and State of Va. of the one part, and Walker C. Parrott of the county aforesaid of the other part, Witnesseth that the said C. W. Nae and Amanda C. his wife, for and in consideration of the sum of one thousand dollars to him in hand paid, the receipt whereof is hereby acknowledged, hath bargained and sold and by these presents do bargain and sell unto Walker C. Parrott his heirs and assigns a certain tract or parcel of land, containing one hundred and twelve acres, bounded as follows,

Beginning at a white oak stump, corner to Bales Land, and running thence with his line 888 1/2 W 156 poles to a chestnut stump and dogwood, thence with Edd's line 842 W 88 poles to a hickory thence leaving Edd's line 851 E 43 poles to a forked poplar, on an east hill above the head of a hollow thence N 70 E 33 1/2 poles to a stake thence S 50 1/4 E 112 poles passing through the middle of a spring, to a stake in Harrison's Edd's line and with the same and Bales line to the Beginning, Together with all the appurtenances, Do have and to hold the said tract or parcel of land with all the appurtenances to the said W. C. Parrott and his heirs, to the sole use and behoof of him the said W. C. Parrott and his heirs, and assigns forever, and the said C. W. Nae and Amanda C. his wife for themselves and heirs doth covenant with the said W. C. Parrott and his heirs, that he the said C. W. Nae and Amanda C. his wife, their heirs the said tract or parcel of land, with all the appurtenances unto the said W. C. Parrott and his heirs free from the claim of them the said C. W. Nae

and Amanda E. his wife, of all and every other persons whatsoever
shall will and do warrant and forever defend by these presents.

In witness whereof the said C. M. Nae and Amanda E. his wife
hath hereunto set their hands and affixed their seals the day
and year first above written,

Charles M. Nae Seal
A. Elizabeth Nae Seal

Lee County to wit.

We Robert M. Bales and Joseph Ely Justice of the
peace for the county aforesaid in the State of Virginia, do hereby
certify that Amanda E. Nae the wife of Charles M. Nae whose
names are signed to the foregoing deed, bearing date on the 12th
day of August 1861. personally appeared before us in our county
aforesaid and being examined by us frivily and apart from
her husband, and having the deeds aforesaid fully explained
to her, she the said Amanda E. Nae acknowledged that she
had willingly signed sealed and delivered the same,
and wished not to retract it, Given under our hands
and seals this 12th day of August 1861.

R. M. Bales J. P.
Joseph Ely J. P.

Lee County to wit.

I R. M. Bales a Justice of the peace, for the county
of Lee and State of Virginia, do hereby certify that Charles Nae
whose name is signed to the foregoing deed bearing date on
the 12th day of August 1861. personally appeared before me in
my county and acknowledged the same, Given under my
hand this 12th day of August 1861.

R. M. Bales J. P.

Lee County Court clerk's office the 26th day of October 1861.

This Indenture of bargain and sale for land between
Charles M. Nae and Elizabeth his wife, of the one part, and
Walker C. Parrott of the other part, was admitted to record upon
the certificate of two Justices of the peace for Lee County.

Teste William J. Saul D.C.
Acqfy
Teste John R. Gibson Clerk.

~~Walker B. Parrott~~
Walker B. Parrott
From Deed

Charles W. Nae & wife

Recorded in Deed
Book No 15 Page 203.

Acqy

Let. J. R. Gibson clrk.

"A"

Fee for this copy 60¢
J. R. Gibson clrk

Notice!

Pursuant to the requirements of a decree of the Circuit Court of Lee County Virginia, rendered at the August term 1882 in the Chancery Cause of ^{Wm} Gillenwaters & wife against Thomas Eddo et als, I will on the 6th day of July 1883, at the law office of Richmond, Duncan & Orr in Jonconville Va, proceed to perform the duties assigned me in said decree, at which time and place all parties interested are required to attend. Given under my hand June 19th 1883.

James W Orr, Comr.

Wm Gillenwaters wife

vs Notice

Thos Eddds et als.

July 6th 1883.

Executed by delivering
Copies of the within

To Thos Eddds and

Wm. V. Gillenwaters

and James Jos Ely

sent, as a witness

Thos. S. Ely, Clerk

Summoned for Ely as
a witness & any others
parties may present.

J. W. Orr, Clerk

The Commonwealth of Virginia.

To The Sheriff of Lee County, Greeting:

WE COMMAND YOU TO SUMMON

*Thomas Cads and
Walker Parrott*

To appear at the Clerk's office of the Circuit Court of Lee county, at the Court House, on the first Monday in *December*
Next, to answer *a Bill in Chancery exhibited in our said
Court against them by William Gillewaters and
Mary Gillewaters his wife*

And have then there this writ. Witness, *J. A. Hyatt* **James W. Orr**, Clerk of our said Court at
he Court House, this *9th* day of *November* 1881 : in the 106 year of the Commonwealth.

J. A. Hyatt
Clerk.

10

Wm Gillemwater & wife

vs B. Spurr in Chy

Thomas. Cads. et al

Decr. Rules 1881

Over looked until
too late to execute.

Decr. 5th 1881.

Thos. S. Ely & Co

The Commonwealth of Virginia.

To The Sheriff of Lee County, Greeting:

WE COMMAND YOU TO SUMMON

*Thomas Edds and
Walker Parrott*

To appear at the Clerk's office of the Circuit Court of Lee county, at the Court House, on the first Monday in

Next, to answer

*a bill in Chancery exhibited in our
said Court against them by William Killewaters
and Mary Killewaters his wife.*

And have then there this writ. Witness, *J. A. Hyatt* James W. Orr, Clerk of our said Court at
he Court House, this ^{5th} day of *December* 1881 : in the 106 year of the Commonwealth.

J. A. Hyatt Clerk.

Wm Gillenwaters wife

vs ³ Spain Chy

Thomas Edds et al

January Rules 1882

Executed by delivering
a Copy of the writine to
The wife of Tho^s Edds and
Explaining the same to
~~her~~ ~~the~~ Edds not being
at his usual Place of abode
also by delivering a Copy
of the same to Lemuel
Edds for Walker Parrott
and Explaining the same
to ~~her~~ ~~the~~ not being at
his usual place of abode
The Decr, 17th 1881,

Tho^s S. Ely, L.C.